

James Monroe to Andrew Jackson, October 5, 1817, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

PRESIDENT MONROE TO JACKSON.

Albemarle near Milton, Va. , October 5, 1817.

Dear Sir. I will now communicate to you, without reserve, my sentiments, on a subject of great national importance, in which you are particularly interested. I need not mention that this is a painful office for me to enter on; among the most painful that could have occurred; for united as we have been on principle, and connected in operations, in which you rendered the most important services to your country, and acquired for yourself an imperishable fame, nothing could be more distressing to me, than that a difference of opinion should have arisen between us, on a point, involving such serious consequences, and on which it is my indispensable duty to decide. In performing this duty, my own feelings, will be a sufficient guard, against my saying any thing, to wound yours, intentionally. An honest difference of opinion daily takes place between the best friends, and that, that, which you entertain in this instance, is founded in the most upright motives, I sincerely believe.

In expressing my sentiments on this subject, it is necessary to advert only, to the real point in issue. The causes leading to it are known to us both and need not be here recited. Your order of the 22d of april makes the issue, by prohibiting obedience to any order from the dept. of war, by the officers of your division, or by any officer who had reported and been assigned to duty in it, which did not pass thro' you its commander. This order involves the naked principle, of the power of the Executive, over the officers of the army, in such cases, for the department of war cannot be separated from the President. It is instituted to convey

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his orders to the army, and to perform other services under him. The orders of the dept are therefore the orders of the President. To this point therefore, I shall confine my remarks in the first instance. Whether it is expedient to give orders, to an officer, performing service, in a division directly, and not through its commander, in any case, and if in any, under what circumstances, is a different question to which I will next attend.

According to my view of the subject, no officer of the army, can rightfully disobey, an order from the President. By the constitution of the UStates the Executive is a Coordinate branch of the Government, and vested with all the Executive power, delegated by the people, to the government. He is also made Commander in chief of the army and navy and of the militia when called into the service of the UStates. By virtue of these powers the President nominates, and, by and with the advice and consent of the Senate, appoints, all the officers of the army and navy, and has power to remove them, when in his judgment, there shall be good cause for it. He has the control of the public force; directs its operations in war and positions in peace; assigns commanders to the divisions, prescribes the extent of their respective commands, and designates the troops they are to command. In short, he is vested with the power, and made responsible, according to the constitution and laws of the UStates, for the wise direction and government of the military and naval force of the nation both in war and peace. Under these circumstances I cannot perceive on what ground an order from the ch: Majistrate, within the limitation stated, can be disobeyd.

If the question is examind on military principles, it appears to me, that all those principles require a short and prompt obedience to the orders of the Chief Majistrate. I do not think that any officer of either of our divisions, would disobey an order from its commander, given, directly, in person, or thro' an aid, or in writing, for the reason that it did not pass thro' the immediate commander of the post. I am satisfied that he ought not to disobey it, because on sound military principles, every thing appertaining to the government of the division, under the control of the Executive, emanates from the commander of the district. By the arrangment of the Executive, the commander of a district and division, is commander in chief thereof, and knows no superior within that limit, except the President.

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The Commander of another district and division, tho' of superior rank has nothing to do with him, nor ought his orders to be obeyd. In peace when the force is dispersed, and the corps are cantoned at a distance from each other, as is now the case, greater authority necessarily devolves on the commander of each post, than he would have, if the whole division were assembled together, under the immediate command, of the commander of the division; nevertheless, he is, for all military purposes, supposd to be always present, every where, and his orders, even in the most minute detail, should he think proper to give them, must be obeyd.

Whatever may be said of the right of a commander of a district and division, to command within his district and division, applies with full force to the President as Commander in chief of the army. In that character, he is present every where, and no officer, can, in my judgment, rightfully disobey his order, provided it be conveyd to him, thro the dept of war, or other proper channel. In another view, the argument, is still more conclusive. The Executive power of the nation is vested in the President. If any officer of the army, can disobey his order, for the reason assignd, or for any such reason, the Government is suspended, and put aside, than which I confidently believe nothing is more remote from your views.

The commander of a district, is, it is true, charg'd with its defense, and has duties to perform connected with it, which it is highly important that he should execute, in due time; but still he is no further responsible, than for the faithful application of the means committed to him for the purpose, by the Executive. The whole means provided by law, for the defense of the union, are committed to the Executive, who is held responsible, for a proper application and direction thereof, on that great scale. He must therefore be the judge how those means are to be applied, and have full power to apply them, to such objects, and in such quarters, as he may find expedient. He must also be the judge, of the expediency, of augmenting the force, in one quarter, and diminishing it, in another, and of transferring officers, from one to another station. Emergencies may occur, requiring prompt agency, for which, in the vast extent of our country, the opportunity might be lost,

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and the calamity inevitable if the Executive could not apply the force nearest at hand, but must send the order, circuitously, through the commander of the district.

As to the policy of exercising the power to the full extent of the right, of giving orders, invariably, to officers in any division, without passing them thro' the commander of the division, I am far from advocating it. In general, I think that the practice, should be otherwise, and be deviated from, in cases, of urgency only, of which, the dept. should be the judge. The reasons which you urge, have in this view, great weight, but yet I cannot think, considering the nature and extent of our districts, the whole union being divided into two only, and the remotest parts of each five, or 600. miles from the center, the Head Quarters of its commander, the maritime frontier liable to attack by a naval force from the ocean, and the Inland frontier, by savages, combin'd with foreign powers, with other possible causes of occasional disturbance, at each extreme, and in the intermediate spaces, that it would be safe to adopt it, as an invariable rule. As a general rule, I think that it would be proper, and that in all cases, when departed from, the commander of the district should be promptly advis'd of it, and a copy of the order sent to him.

These being my opinions, formed on great consideration, and in conformity to which I must act I hope to hear from you soon on the subject, and shall be much gratified should you concur with me in them.

I have read with great interest the observations contain'd in your letters, and particularly in that of the 4th of march last, on several very important subjects. Your report with that of Lt Gadsden respecting the fortifications necessary for the defense of Louisiana, will be duly consider'd. Your reasons for promoting the rapid settlement of the Alabama country, the establishment of a foundry on the Tennessee river, near the Muscle Shoals, and for the extinguishment of the title of the chickasaws, on the Eastern bank of the Mississippi, have great weight. The view which you have taken of the Indian title to lands is new but very deserving of attention. The hunter or savage state, requires, a greater extent of territory to sustain it, than is compatible with the progress and just claims of civilized life, and must

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yield to it. Nothing is more certain, than, if the Indian tribes do not abandon that state, and become civilized, that they will decline, and become extinct. The hunter state, tho maintain'd by warlike spirits, presents but a feeble resistance to the more dense, compact, and powerful population of civilized man. Within our limits, where the Indian title is not extinguished, our title is good, against European powers only, and it is by treaties with the latter, that our limits are formed. It has been customary to purchase the title of the Indian tribes, for a valuable consideration, tho' in general that of each tribe, has been vague and undefind. A compulsory process seems to be necessary, to break their habits, and to civilize them, and there is much cause to believe, that it must be resorted to, to preserve them. On these, and every other subject, mentiond, in your letters, I shall avail myself of the light shed on them by your experience and judgment, on every proper occasion, and I shall always be happy to promote your wishes respecting individuals when circumstances will permit it.

I need not state that it is my earnest desire that you remain in the service of your country. Our affairs are not settled, and nothing is more uncertain than the time, we shall be permitted to enjoy our present tranquility and peace. The Spanish government has injur'd us, and shews no disposition to repair the injury; while, the revolutionary struggle, in the colonies, continues, to which, from a variety of important considerations, we cannot be indifferent. Should we be involved in another war, I have no doubt, that it will decide the fate of our free government, and of the independance of Spanish America. I should therefore much lament your retirement.

with great respect and esteem I am dear Sir yr very obt servant